

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF IOWA  
CENTRAL DIVISION

DAN CHARLESTON, )  
                        )  
Plaintiff,         )  
                        )  
vs.                   )      Case No.: 4:17-cv-00071-SMR-HCA  
                        )  
BILL MCCARTHY, in his individual     )  
capacity and official capacity as the     )  
Polk County Sheriff, KEVIN SCHNEIDER, )  
in his individual capacity,             )  
VICTOR MUÑOZ, in his individual     )  
capacity, RON RICHARDS, in his     )  
individual capacity, TIM KRUM,     )      JOINT STATUS REPORT  
in his individual capacity,     )      ON ESI  
JAMES B. BROWN, in his individual     )  
capacity, JOE SIMON, in his individual     )  
capacity, BRENT LONG, in his individual     )  
capacity and SHAWN VAN HOOZER,     )  
in his individual capacity, LOLA EVANS, )  
in her individual capacity, and MICHAEL )  
CAMPBELL, in his individual capacity, ))  
                        )  
Defendants.         )

Now comes the parties and hereby submits their joint status report on electronically stored information and states as follows:

1. The estimated number of custodians of electronically stored information who will be the subject of orders of retention, orders for search for information, or production.

One Custodian employed by Polk County.

2. Identification of relevant and discoverable ESI, including all methods agreed upon by the parties for identifying any initial subset sources of ESI which are most likely to contain relevant and discoverable information, as well as methodologies agreed upon for

retrieving the relevant and discoverable ESI from the initial subset, and the persons or entities with possession, custody or control of such discoverable information.

Emails between Polk County Sheriff Department Command staff, including Frank Marasco concerning Dan Charleston.

3. The agreed time frame for all searches of computers maintained by any and all parties.

January 1, 2015 to September 30, 2017.

4. The agreed format for any computerized searches.  
pdf.

5. The agreed search terms to be utilized in any computerized search, including predictive coding, key word search or use of algorithms.

Dan Charleston.

6. Whether the existence of, and retention of, ESI has been identified in the initial disclosures exchanged, or to be exchanged by the parties.

No.

7. The implementation and existence of litigation holds on electronically stored information by all parties.

Defendant has already implemented a litigation hold on the ESI identified in No. 2.

8. The existence, location and availability of information stored, maintained and collected in any “cloud” computing facilities or programs.

None.

9. The extent to which social media sites will be subject to discovery, and the identity of such sites, and the person(s) who created, used, or have access to such sites.

Dan Charleston's Facebook and Instagram accounts.

10. Should there be phased discovery, and if so, set forth the bases or reasons for a phased discovery plan.

No.

11. The use of experts or vendors regarding ESI issues.

None anticipated at this time.

12. The extent to which the parties have discussed, agreed upon, or disagreed upon methods to reduce, share or allocate costs of producing, reviewing, retrieving or storing ESI pursuant to Fed. R. Civ. P. 26(b)(2)(B).

No discussion since not anticipated issue.

13. Whether there will be any requests made to any party regarding the content, address, and participants in any social media sites of any type or nature, and if so identify the person or persons in whose name or identification such social media site or sites is listed.

Defendant may request access to Dan Charleston's social media sites.

14. Whether the parties have agreed upon a stipulation pursuant to Fed. R. Evid. 502(e), and/or whether the parties will seek or agree on the entry of an order pursuant to Fed. R. Evid. 502(d).

No agreement to date.

Bill McCarthy et. al., Defendants

Dan Charleston, Plaintiff

/s/ Meghan L. Gavin

/s/Stephen T. Fieweger

Stephen T. Fieweger  
5157 Utica Ridge Road  
Davenport, IA 52807  
Telephone: 563-424-1982  
Fax: 563-424-1983  
Email: [sfieweger@fiewegerlaw.com](mailto:sfieweger@fiewegerlaw.com)

CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2019, I e-filed the foregoing with the Clerk of the Court using the CM/ECF system which will send electronic notification of such filing to the defendants attorneys:

/s/ Stephen T. Fieweger

Ralph E. Marasco, Jr.  
Meghan L. Gavin  
Assistant County Attorney  
111 Court Ave., Room 340  
Des Moines, IA 50309  
Phone: 515.286.3331  
Fax: 515.286.3314  
Email: [Ralph.Marasco@polkcountyiowa.gov](mailto:Ralph.Marasco@polkcountyiowa.gov)  
Email: [Meghan.Gavin@polkcountyiowa.gov](mailto:Meghan.Gavin@polkcountyiowa.gov)